

COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 168
Tuesday, May 17, 1994, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Eller Tyndall Walker, Chairman	Looney	Gardner Moore Russell	Glenn, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Friday, May 13, 1994, at 4:37 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Walker 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 April 19, 1994 (No. 167).

UNFINISHED BUSINESS

Case No. 1260

Action Requested:

Special Exception to permit commercial recreation (baseball/softball/soccer fields and concessions) in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 20, located 13132 North Yale.

Presentation:

The applicant, **Dan Overholt**, 17512 East 88th Street North, was not present.

Comments and Questions:

Ms. Russell informed that the applicant was to return if it was his intent to readvertise to add a second parcel to the initial application. She stated that Mr. Overholt has not contacted Staff since the previous hearing.

Finding no objection, Chairman Walker opted to strike Case No. 1260.

Case No. 1262

Action Requested:

Variance to permit a 120' tower - **SECTION 220.C. HEIGHT LIMITATIONS** - Use Unit 2, located East 161st Street South and South Lewis Avenue, Glenpool, Oklahoma.

Case No. 1262 (continued)

Presentation:

The applicant, **U. S. Cellular**, 4200 East Skelly Drive, was not represented.

Comments and Questions:

Ms. Russell stated that the applicant has advised by letter (Exhibit A-1) that the previously approved 120' tower will not require additional antennae height, and asked that this portion of the application be withdrawn.

NEW APPLICATIONS

Case No. 1254

Action Requested:

Variance to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 13216 East 103rd Street North.

Presentation:

The applicant, **Bob Barnett**, 13216 East 103rd Street North, Owasso, Oklahoma, informed that he operates horse stables at the above stated location, and requested permission to install a mobile home on the property. He stated that his brother will live in the mobile unit and assist him in caring for the animals.

Comments and Questions:

Mr. Gardner asked the applicant if he is proposing to install a double-wide mobile home, and he answered in the affirmative.

Protestants:

Helen Griffith, 1225 East 27th Place, noted that the land in the area cannot pass a percolation test and that she is concerned with waste water. Ms. Griffith stated that there are large homes in the area and mobile home use will not be compatible with the neighborhood.

Additional Comments:

Mr. Alberty pointed out that the tract in question is large enough to accommodate two dwelling units, which would be permitted by right if the 10-acre tract was divided.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; subject to a building permit and Health Department approval; finding that the tract is large enough to accommodate two dwelling units; on the following described property:

Case No. 1254 (continued)

A tract of land in the E/2, SW/4, SE/4, NW/4 of Section 16, T-21-N, R-14-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows, to-wit: Beginning at the SE/c, E/2, SW/4, SE/4, NW/4; thence west along the south line of said E/2, SW/4, SE/4, NW/4 a distance of 151.23' to a point on the east ROW line of Highway 169; thence N 23°15'45" E along said ROW line a distance of 363.48' to a point on the east line of said E/2, SW/4, SE/4, NW/4; thence south along said east line a distance of 330.44' to the POB;

AND

The SE/4, SE/4, NW/4, less a tract more particularly described as follows to wit: Beginning NW/c, SE/4, SE/4, NW/4; thence east along the north line of said SE/4, SE/4, NW/4 a distance of 151.20'; thence S 23°15'45" W a distance of 363.41' to a point on the west line of said SE/4, SE/4, NW/4; thence north along said west line a distance of 330.44' to the POB all in Section 16, T-21-N, R-14-E of the IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 1255

Action Requested:

Special Exception to permit a mobile home in an RS zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located 5913 North Madison.

Presentation:

The applicant, **John Dobson**, 2429 North Erie Place, submitted a plot plan (Exhibit B-1) and requested permission to install a mobile home on his property at the above stated location.

Comments and Questions:

Mr. Walker asked the applicant if there are other mobile homes in the neighborhood, and he informed that there are several in the area.

Interested Parties:

A representative of the nearby church at 5900 North Madison advised that the church is supportive of the application.

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 a mobile home in an RS zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; per plan submitted; subject to a building permit and Health Department approval; finding that there are numerous mobile homes in the neighborhood, and approval of the request will not be detrimental to the area; on the following described property:

Lots 5 and 6, Block 10, Turley Original Townsite, Tulsa County, Oklahoma.

Case No. 1256

Action Requested:

Special Exception to permit a fire station in an AG-R District and special exception to permit a mobile home in an AG-R District - Use Unit 4 and 9, located NW/c Coyote Trail and South 255th West Avenue.

Presentation:

The applicant, **Keystone Volunteer Fire Department**, 22123 West 41st Street, Sand Springs, Oklahoma, was represented by **George Blackburn**, who submitted a plot plan (Exhibit C-1) for a building to house fire equipment and provide space for training sessions. He informed that the mobile home will be installed for security purposes.

Interested Parties:

Gary Young, Route 2, Box 409-B, Sand Springs, Oklahoma, stated that the proposed building will be an asset to the community, and asked the Board to approve the request.

Comments and Questions:

Mr. Gardner informed that platting, or a waiver of plat, will be required if the application is approved.

Protestants:

None.

Board Action:

On **MOTION** of **ELLER**, 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 fire station in an AG-R District and **special exception** to permit a mobile home in an AG-R District - Use Unit 4 and 9; per plan submitted; subject to platting, or waiver of plat; and subject to Health Department approval and a building permit; finding that the mobile home will be used for security purposes and will be compatible with the area; on the following described property:

Part of SW/4, SW/4, beginning 33' north and 369.35' east SW/c, SW/4, thence north 300', east 369.94', south 300', west 369.94' to the POB, Section 20, T-19-N, R-10-E, Tract 8, Unit 1, Rim Rock Estates, Tulsa County, Oklahoma.

Case No. 1257

Action Requested:

Special Exception to permit church use in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use unit 5, located East 56th Street North and North Cincinnati Avenue.

Presentation:

The applicant, **Antioch Baptist Church**, 2123 North Frankfort Avenue, was represented by **M. C. Potter**, 2123 North Frankfort Avenue, who informed that the congregation is proposing to relocate, and requested permission to use the subject property for church purposes.

Case No. 1257 (continued)

Comments and Questions:

Mr. Gardner informed that plans for the building have not been finalized and, if the use is approved, the Board could require that the applicant return for approval of the detail site plan before construction begins.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit church use in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5; subject to the applicant submitting a detail site plan for Board approval prior to construction; finding the use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

All of Lot 5, Section 11, T-20-N, R-12-E of the IBM, Tulsa County, Oklahoma, less and except a tract described as follows, to-wit: Beginning at the NW/c of Lot 5; thence east and parallel with the north line of Lot 5, a distance of 466.7'; thence south and parallel with the west line of said Lot a distance of 466.7'; thence west and parallel with the north line of said Lot a distance of 116.7'; thence south and parallel with the west line of said Lot a distance of 150'; thence west and parallel with the north line of said Lot a distance of 350'; thence north along the west line of said Lot a distance of 616.7' to the POB, according to the U. S. Survey thereof:

and

The E/2, NE/4 less the east 750' of the north 1733', in Section 11, T-20-N, R-12-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Survey thereof.

Case No. 1258

Action Requested:

Variance of the required frontage on a public street from 30' to 0' - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6, located east of the SE/c of 126th Street North and North 73rd East Avenue.

Presentation:

The applicant, **Ralph Wynn**, 5737 East 24th Place, requested permission to construct a dwelling on an interior 2½-acre tract. He informed that a private road will be used to access the property.

Comments and Questions:

Mr. Walker asked the applicant if the access easement has been filed of record, and Mr. Wynn answered in the affirmative.

Mr. Alberty asked if this lot is a part of a development, and the applicant stated that there are other lots between his tract and 126th Street North.

Case No. 1258 (continued)

In reply to Mr. Alberty, Mr. Wynn stated that his lot has been in existence since 1981.

Mr. Alberty noted that this appears to be an illegal subdivision and, if approved, it will be necessary to file of record an instrument stating that the County will not be responsible for maintaining the access road.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the required frontage on a public street from 30' to 0' - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 6; subject to the applicant filing of record an instrument stating that the County will not be responsible for maintaining the access road; finding that the tract is landlocked and the applicant has acquired a private access easement; on the following described property:

South 339.5', S/2, E/2, Government Lot 2, Section 2, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1259

Action Requested:

Variance to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6 and 9, located northeast corner of 171st Street South and South Mingo Road.

Presentation:

The applicant, **Brian Balenti**, 6006 South 89th East Avenue, informed that he has placed a mobile home on property belonging to his wife's grandmother, and requested that it remain at the current location.

Comments and Questions:

Mr. Walker asked if his wife's grandmother resides in the existing dwelling, and Mr. Balenti answered in the affirmative.

Mr. Balenti stated that a mobile home was previously installed at the proposed location and a septic is in place.

Protestants:

Fred McLearn, 5809 East 31st Street, stated that the subject tract is near his family's property, and pointed out that drainage is a problem in the area. He requested that the County ditch across the land be maintained.

Mr. Alberty advised that the Board does not have authority in drainage matters, and suggested that the drainage concerns be directed to the County Commissioner for the area.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6 and 9; per plan submitted; subject to Health Department approval and a building permit; finding that the tract is large enough to support two dwelling units; and finding that approval of the request will not be detrimental to the area; on the following described property:

S/2, SW/4, Section 30, T-17-N, R-14-E, Tulsa County, Oklahoma.

Case No. 1263

Action Requested:

Variance of the required frontage on an arterial street from 200' to 50' - **SECTION 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, located east of the southeast corner of West 21st Street and South 33rd West Avenue.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, stated that his client has acquired a 40-acre interior tract, with a 50' strip to provide access to 21st Street. He stated that the business is required to have a 200' frontage in an industrial zone, and approval of the request will permit his client to obtain a lot split and clear the title.

Comments and Questions:

Mr. Gardner asked if there is an additional 50' easement to the west, and Mr. Johnsen stated that a 50' strip extends to 33rd West Avenue, but topography prevents easy access in this direction.

In response to Mr. Walker, Mr. Johnsen stated that the tract is 1320' wide where the building is to be constructed.

Mr. Tyndall asked if 26th Street extends to the tract, and Mr. Johnsen stated that 26th is open, but he is not sure if it is dedicated and maintained by the County.

Mr. Alberty noted that the size of the tract is in excess of what the Ordinance was attempting to accomplish by the 200' frontage requirement.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the required frontage on an arterial street from 200' to 50' - **SECTION 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25; finding a hardship demonstrated by the large size of the interior tract; and finding that adequate street access is provided; on the following described property:

BEGINNING AT THE SOUTHEAST CORNER OF THE SE/4 NW/4; THENCE S 89°57'39" W ALONG THE SOUTH BOUNDARIES OF SAID SE/4 NW/4 AND SW/4 NW/4 A DISTANCE OF 2,648.03 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00°08'35" E ALONG THE WEST BOUNDARY OF SAID SW/4 NW/4 A DISTANCE OF 20.00 FEET; THENCE N 89°57'39" E PARALLEL TO AND 20.00 FEET FROM THE SOUTH BOUNDARIES OF SAID SW/4 NW/4 AND SE/4 NW/4 A DISTANCE OF 1,344.02 FEET; THENCE N 00°09'20" E PARALLEL TO AND 20.00 FEET FROM THE WEST BOUNDARY OF SAID SE/4 NW/4 A DISTANCE OF 1,299.08 FEET TO A POINT IN THE NORTH BOUNDARY OF SAID SE/4 NW/4 (SOUTH BOUNDARY OF SAID NE/4 NW/4); THENCE N 89°52'06" E ALONG THE SOUTH BOUNDARY OF SAID NE/4 NW/4 A DISTANCE OF 507.71 FEET TO A POINT 796.60 FEET FROM THE SOUTHEAST CORNER THEREOF; THENCE N 0°10'04" E PARALLEL TO AND 796.60 FEET FROM THE EAST BOUNDARY OF SAID NE/4 NW/4 A DISTANCE OF 1,289.90 FEET TO A POINT 50.00 FEET FROM THE NORTH BOUNDARY OF SAID NE/4 NW/4 WHICH POINT IS IN THE SOUTH RIGHT-OF-WAY LINE OF WEST 21ST STREET SOUTH; THENCE N 89°46'32" E ALONG THE SOUTH RIGHT-OF-WAY LINE OF WEST 21ST STREET SOUTH, PARALLEL TO AND 50.00 FEET FROM THE NORTH BOUNDARY OF SAID NE/4 NW/4 A DISTANCE OF 50.00 FEET TO A POINT 746.60 FEET FROM THE EAST BOUNDARY OF SAID NE/4 NW/4; THENCE S 00°10'04" W PARALLEL TO AND 746.60 FEET FROM THE EAST BOUNDARY OF SAID NE/4 NW/4 A DISTANCE OF 1,289.90 FEET TO A POINT IN THE SOUTH BOUNDARY OF SAID NE/4 NW/4 (NORTH BOUNDARY OF SE/4 NW/4); THENCE N 89°52'06" E ALONG THE SOUTH BOUNDARY OF SAID NE/4 NW/4 (NORTH BOUNDARY OF SAID SE/4 NW/4) A DISTANCE OF 746.89 FEET TO THE SOUTHEAST CORNER OF THE NE/4 NW/4 (NORTHEAST CORNER OF THE SE/4 NW/4); THENCE S 00°10'04" W ALONG THE EAST BOUNDARY OF SAID SE/4 NW/4 A DISTANCE OF 1,321.19 FEET TO THE POINT OF BEGINNING; CONTAINING 1,812,026 SQUARE FEET OR 41.59837 ACRES, MORE OR LESS.

Case No. 1264

Action Requested:

Special Exception to permit a mini-storage in a CS zoned district, and a variance to reduce the required setback from the centerline of South 65th West Avenue - SECTION 710. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICT and SECTION 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 17, located 6608 West Skyline Drive.

Presentation:

The applicant, L. C. Curtis, 4340 South 65th West Avenue, submitted a plot plan (Exhibit E-1) for a proposed mini-storage facility, and explained that his land has limited use because of the sewage disposal problem in the area. He noted that the proposed use will have limited need for a sewer.

Case No. 1264 (continued)

Comments and Questions:

Mr. Walker asked if the property will be fenced, and the applicant stated that he has considered installing a chain link fence.

In reply to Mr. Walker, the applicant stated that there will be no outside storage on the property.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY**, 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 mini-storage in a CS zoned district, and a variance to reduce the required setback from 100' to 75' from the centerline of South 65th West Avenue - **SECTION 710. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICT** and **SECTION 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to the building wall along 65th West Avenue being a solid wall, with no entrance from the east side or 65th West Avenue; subject to no outside storage or parking of vehicles in the development area; finding that approval of the request will not be detrimental to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Country Corner Center, Tulsa County, Oklahoma.

Case No. 1265

Action Requested:

Variance of the required lot width from 200' to 165' to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6, located 16920 South Yale Avenue.

Presentation:

The applicant, **Larry Lewis**, 12401 5th Street, Jenks, Oklahoma, was represented by John Hubbard, 4306 East 64th Place, who informed that the subject tract is to be sold and does not have the required lot width. He stated that the lot is a part of family property that has all been disposed of, except for the subject tract.

Comments and Questions:

Mr. Walker noted that there are other tracts in the area that have similar lot widths, and some have less.

Protestants:

None.

Case No. 1265 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the required lot width from 200' to 165' to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6; per survey submitted; finding that there are lots in the area that are more narrow than the lot in question; and that approval of the request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

S/2, NE/4, SE/4, SE/4 and N/2, N/2, SE/4, SE/4, SE/4, Section 28, T-18-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1266

Action Requested:

Special Exception to permit a single-family dwelling in an RMH zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located between 137th Street North and 136th Place North and between 2nd and 3rd Streets.

Presentation:

The applicant, **Tommy Beeson**, P. O. Box 480, Collinsville, Oklahoma, stated that he is proposing to sell the property and the buyer is requesting that a single-family dwelling be permitted.

Protestants:

None.

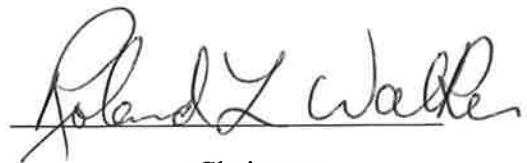
Board Action:

On **MOTION** of **ALBERTY**, 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 single-family dwelling in an RMH zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the property is zoned for mobile home use and the construction of a single-family dwelling will not be detrimental, to the area; on the following described property:

All of Block 11, Industrial Heights, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:27 p.m.

Date Approved 6-21-94



Chairman