

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 172
Tuesday, September 20, 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 Monday, September 19, 1994, at 8:09 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 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** the **Minutes** of August 16, 1994 (No. 171).

NEW APPLICATIONS

Case No. 1286

Action Requested:

Special Exception to permit a mobile home in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 9, located 6015 South 65th West Avenue.

Presentation:

The applicant, **Peggy Sue Green**, PO Box 823, Oakhurst, Oklahoma, submitted a plot plan (Exhibit A-1) and requested permission to install a mobile home on her property. She informed that all utilities are available.

Comments and Questions:

In reply to Mr. Walker, the applicant stated that her home was destroyed by fire and the mobile home will be installed at the same location.

Case No. 1286 (continued)

Mr. Eller advised that Health Department approval will be required, and asked if the mobile home will be skirted and tied down. Ms. Green stated that she is aware of all requirements regarding the installation of the mobile home and is in the process of acquiring all necessary permits.

Protestants:

None.

Board Action:

On **MOTION** of **ELLER** the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 9; per plan submitted; subject to a building permit and Health Department approval; and subject to the mobile unit being skirted and tied down; finding the use consistent with the area and in harmony with the spirit and intent of the Code; on the following described property:

Lots 6-9, Block 11, New Taneha Addition, Tulsa County, Oklahoma.

Case No. 1287

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, located 17640 North Memorial Drive.

Presentation:

The applicant, **Robin Lynn Boone**, Route 1, Box 537, Collinsville, Oklahoma, was represented by Jerry Hammer, 341 North 20th. He submitted a plat of survey (Exhibit A-1) and explained that the applicant is proposing to construct a small 20' by 20' efficiency for her parents.

Comments and Questions:

Mr. Walker asked if there are other lots in the area that have more than one dwelling, and Mr. Hammer replied that several lots have two mobile homes.

In reply to Mr. Walker, Mr. Hammer stated that the existing dwelling is brick.

Mr. Alberty advised that the five-acre tract is more than large enough to support two dwelling units.

Case No. 1287 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "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; subject to the efficiency being 20' by 20' and being used for the applicant's parents; finding that there are other tracts in the area that have more than one dwelling unit; and finding that the size of the property would permit two dwellings if a lot split was obtained; on the following described property:

N/2, SE/4, SE/4, SE/4, Section 2, T-22-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1288

Action Requested:

Variance of required lot width, land area and lot area to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 8919 North Harvard Avenue.

Presentation:

The applicant, **Warren Little**, 8919½ North Harvard, Sperry, Oklahoma, informed that a single-wide mobile home has been located on the subject property for approximately four years. The applicant stated that he is proposing to replace the old unit with a new double-wide mobile home. Mr. Little explained that his father-in-law is currently the property owner, and is proposing a lot split; however, a ditch crosses the land, preventing an even split. He requested that the lot to the south be permitted to be 1.89 acres.

Comments and Questions:

In reply to Mr. Walker, Ms. Russell informed that the tract is 2.04 acres before the right-of-way dedication.

Mr. Alberty pointed out that the existing drainage ditch provides a natural separation for the two tracts. He added that the property could be split evenly and comply with Code requirements, if the ditch did not exist.

Mr. Eller asked if the septic system and the water supply have been installed and the applicant answered in the affirmative.

Case No. 1288 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **ELLER** the Board voted 3-0-0 (Alberty, Eller, Walker, "aye"; no "nays"; no "abstentions"; Looney, Tyndall, "absent") to **APPROVE** a **Variance** of required lot width, land area and lot area to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; per plan submitted; subject to the southern lot being 140' in width; subject to a building permit and Health Department approval; finding that an existing drainage ditch provides a natural separation between the two tracts; 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:

N/2, SE/4, NE/4, SE/4, Section 20, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1289

Action Requested:

Use Variance to permit a woodworking shop in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 15, located 7720 East 126th Street North.

Presentation:

The applicant, **William Fleming**, 7720 East 126th Street North, Collinsville, Oklahoma, requested that he and his son be permitted to operate a woodworking shop in an existing building on the subject property. He informed that display cases for firearms will be manufactured.

Comments and Questions:

Mr. Walker noted that a machine shop was previously denied at this location, and asked if any type of metal work is proposed. Mr. Fleming informed that recent legislation has curtailed that type of business, and he is contemplating a new line of products (pool cues, ivory tipped canes for the blind, etc.).

Mr. Gardner asked the applicant if he resides on the subject tract, and he answered in the affirmative.

In response to Mr. Alberty, Mr. Fleming stated that he and his son will operate the business at this time, but employees may be needed in the future.

Mr. Walker inquired as to the size of the existing building, and the applicant stated that it is 40' by 60' (2400 sq ft).

Case No. 1289 (continued)

Edward Cox, 7338 South 69th East Court, assisted in the review of an aerial photograph designating the location of the airport and other buildings in the immediate area.

In reply to Mr. Walker, the applicant stated that the days and hours of operation will be from 8:30 a.m. to 5 p.m., Monday through Friday.

Mr. Walker asked if there will be any type of outside storage on the property, and Mr. Fleming stated that he currently has some articles outside the building, but they will be moved inside. The applicant added that there will be no retail sales or signs, and all materials will be shipped and received by the United Parcel Service.

Mr. Alberty inquired as to the nearest residence, and Mr. Fleming stated that the nearest dwelling is approximately 350' to the west.

Protestants:

Robert Denison, 7800 East 126th Street North, Collinsville, Oklahoma, submitted a petition of opposition (Exhibit C-1) and stated that he lives to the east of the subject tract. He emphasized that the area is comprised of mostly retired individuals and the use is not compatible with the residential neighborhood. Mr. Denison stated that the applicant has previously manufactured machine guns at this location and it is probably his intent to continue. He submitted a copy of the ad (Exhibit C-2) currently listed in the yellow pages of the phone book, which verifies that the applicant is in the gun business. Mr. Denison noted that the nearest residence to the west of the subject tract is approximately 150' and his residence to the east is approximately 300' away. He added that one individual is on the property regularly and appears to be an employee, and several people were employed when the gun manufacturing business was in operation. Mr. Denison stated that the previous business was noisy and generated a lot of traffic in the neighborhood. He pointed out that the neighborhood is opposed to the business and requested that the application be denied.

Applicant's Rebuttal:

Mr. Fleming informed that he has spoken with surrounding neighbors concerning the operation of the woodworking shop and has found no opposition to the use. He informed that there has been a lot of activity on the property because he has been moving equipment. Mr. Fleming stated that Mr. Denison's measurement concerning nearby residences is incorrect.

Mr. Walker asked if the building has been in use since the gun manufacturing business was closed, and the applicant stated that materials are stored there, but it has not been in use.

Case No. 1289 (continued)

In response to Mr. Walker, the applicant stated that the manufacturing equipment is still in the building and can be used to manufacture wood parts, as well as metal parts.

Mr. Alberty asked Mr. Fleming if he has employees other than his son, and he replied that he has no employees, but numerous friends visit from time to time.

Mr. Tyndall asked the applicant if he is operating a gun business, and he replied that he does not have a gun business.

In response to Mr. Alberty, Mr. Denison stated that the phone ad for the gun business is in the yellow pages of the current telephone book.

Mr. Walker stated that the applicant has not submitted a plot plan, and voiced a concern that the proposed use may not be appropriate for the area.

Mr. Alberty stated that he is concerned by the fact that the building and equipment that were involved in a previously denied business have remained on the property. He pointed out that it could be very easy to activate the previous business, and noted that he is reluctant to support a use that is not supported by abutting neighbors.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **DENY** a **Use Variance** to permit a woodworking shop in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 15; finding no hardship for the variance request; finding the use to be too intense for the area; and finding that approval of the request would violate the spirit and intent of the Code; on the following described property:

W/2, W/2, Lot 1, Section 1, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma.

Case No. 1290

Action Requested:

Variance of lot area, land area per dwelling unit and lot width to permit a lot split - **SECTION 430. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located NE/c of East 134th Street South and South 121st East Avenue.

Case No. 1290 (continued)

Presentation:

The applicant, **Gary Good**, 13331 South 121st East Avenue, Broken Arrow, Oklahoma, stated that his home is located on a 5-acre tract and he is proposing to split off one acre to sell for residential purposes. The applicant stated that the subject property (AG) is abutted by a residential development, and approval of the request will not be detrimental to the neighborhood.

Comments and Questions:

In response to Mr. Alberty, Mr. Glenn advised that the road is dedicated and maintained by the County.

Mr. Alberty asked the applicant if he is proposing additional lot splits, and Mr. Good replied that he intends to retain the remaining four acres for personal use.

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 **Variance** of lot area, land area per dwelling unit and lot width to permit a lot split - **SECTION 430. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to no additional lot splits (will require a subdivision plat) on the remaining four-acre tract; finding that the property abuts a residential development with smaller lots, and 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:

A tract of land in the SW/4, NE/4 of Section 8,T-17-N, R-14-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof; and being more particularly described as follows to-wit: Beginning at the NW/c of rambling Oak Estates, an addition in Tulsa County, Oklahoma, according to the recorded plat No. 3649; thence S0°01'13" E along the west line of said Rambling Oak Estates, a distance of 132'; thence N89°37'43"W parallel to the north line of said SW/4, NE/4 a distance of 330.17'; thence N0°08'11" E parallel to and 50' easterly of the west line of said SW/4, NE/4 a distance of 132.00' to a point on the north line of said SW/4, NE/4, said point being 50' east of the NW/c thereof; thence S89°37'43"E along the north line of said SW/4, NE/4, a distance of 329.91' to the POB, said tract containing 1 acre more or less, Tulsa County, Oklahoma.

Case No. 1291

Action Requested:

Variance of required 30' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 9, located south of 106th Street North and east of Peoria.

Presentation:

The applicant, **Jon Medeiros**, P. O. Box 114, Sperry, Oklahoma, submitted a location map (Exhibit E-1) and informed that his wife's father is deeding them a tract of land that does not have frontage on a public street. He informed that the road accessing the property has been in place approximately 40 years and was previously used to service an oil lease. Mr. Medeiros stated that his father-in-law has maintained the road for the past 20 years.

Comments and Questions:

In reply to Mr. Walker, the applicant stated that the road passes in front of his father-in-law's property and all landowners use the road to access their property.

Mr. Tyndall asked if the lots north of the subject property have dwellings, and he replied that there are two residences to the north.

Mr. Alberty asked if the property floods, and the applicant stated that there is flooding in the area, but he proposing to install his mobile home on a high elevation.

Protestants:

Ellie Buckner, 1806 East 106th Street North, stated that there are six homes using the road to access their property and, although she is not opposed to the mobile home, she would like the road moved over to the easement. Ms. Buckner pointed out that the existing road is within 20' of her bedroom wall.

In reply to Mr. Alberty, Ms. Buckner stated that the correct location for the road is about 20' to the west of the current location.

Mr. Gardner advised that County Commissioner Harris may be agreeable to moving the road, but this would not mean that the road will be accepted for County maintenance.

Case No. 1291 (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 required 30' of frontage on a public street - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Unit 9; with the recognition that there should be a future resolution of an acceptable access being approved and agreed upon by all concerned parties (County Engineer, County Commissioner and neighborhood); finding that the subject property, as well as surrounding properties, are accessed by an existing private road that has been used for approximately 40 years; and finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

North 355', east 615', SW/4, NE/4, Section 18, T-21-N, R-13-E, Tulsa County, Oklahoma.

Case No. 1293

Action Requested:

Variance to permit two dwelling units per lot of record - **SECTION 208. ONE SINGLE-FAMILY DWELLING UNIT PER LOT OF RECORD**, located 9575 North Lewis Avenue.

Presentation:

The applicant, **Julie McFarland**, 310 West 89th Street North, Sperry, Oklahoma, submitted a plot plan (Exhibit F-1) and explained that her parents live on a five-acre tract, which is large enough to support their dwelling and the mobile home she is proposing to move on the property. She informed that a percolation test has been completed.

Comments and Questions:

Mr. Alberty noted that a mobile home is permitted by right in AG zoned districts, and stated that the tract is large enough to split into two lots that comply with Code requirements.

Protestants:

None.

Case No. 1293 (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 area, land area per dwelling unit and lot width to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; per plan submitted; subject to a building permit and Health Department approval; and subject to the mobile home being tied down and skirted; finding that the tract is large enough to support two dwelling units, and that approval of the request will not be detrimental to the area; on the following described property:

W/2, NW/4, NW/4, NW/4, Section 20, T-21-N, R-13-E, Tulsa, County, Oklahoma.

Case No. 1294

Action Requested:

Variance of the required lot area, land area per dwelling unit and lot width to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located 8910 West 51st Street.

Presentation:

The applicant, **James Dye**, 6521 West 35th Street, informed that he has purchased a 70-acre parcel of land with an existing dwelling. He stated that he is not in need of the dwelling and is proposing to sell it with one acre of land. Mr. Dye assured the Board that he does not intend to develop the remaining acreage in the near future. An aerial (Exhibit G-1) and a plat of survey (Exhibit G-2) were submitted.

Protestants:

Nancy Thompson, 8830 West 51st Street, informed that she lives to the east of the property in question and her primary concern is the possibility of future splitting of the property.

Mr. Walker inquired as to the size of the tract, and Ms. Thompson informed that her family owns 40 acres.

Mr. Alberty advised Ms. Thompson that she would receive notice of any future attempt to divide the land.

Alex Surrell, 5611 South 89th West Avenue, informed that he owns property to the south of the subject tract and, although he is not opposed to splitting off one acre, is not supportive of future development, because water runoff would travel across his land.

Case No. 1294 (continued)

W. J. Robinson, 7008 Leameadow, Dallas, Texas, stated that he owns property across the street from the subject tract and is also concerned with future development of the property.

Comments and Questions:

Mr. Walker noted that there are other lots in the area that are smaller than one acre.

Mr. Alberty stated that he would be opposed to a subdivision created by future lot splits, but could support the application to split off of the existing house and one acre.

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 area, land area per dwelling unit and lot width to permit a lot split - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; per survey submitted; finding that the dwelling is existing and there are smaller lots in the neighborhood; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose and intent of the Code; on the following described property:

E/2, NW/4, Section 36, T-19-N, R-11-E of the IBM, Tulsa County, Oklahoma, less and except the W/2, W/2, NE/4, NW/4, Section 36, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 1295

Action Requested:

Variance of required setback from the centerline of the street 85' to 77' to permit an existing church - **SECTION 430. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 13110 West 41st Street, Sand Springs.

Presentation:

The applicant, **Dan Switzer**, 13110 West 41st Street, Sand Springs, submitted a plot plan (Exhibit H-1) and noted that the church is in the process of constructing a new building on the subject property. He explained that, after the footings were poured, it was discovered that they could be over the building setback line as much as 8'. Mr. Switzer informed that other nearby development has been constructed at the requested setback.

Case No. 1295 (continued)

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 **Variance** of required setback from the centerline of the street from 85' to 77' to permit an existing church - **SECTION 430. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; with a 77' setback from the centerline of 41st Street; finding that the requested setback is consistent with the area, and approval of the request will not be detrimental to the area; on the following described property:

Beginning 660' west of the SE/c SE/4, thence west 330', north 360', east 330', south 360' to POB, less south 50', E/2, SW/4, SE/4, SE/4 for road, Tulsa County, Oklahoma.

Case No. 1296

Action Requested:

Special Exception to permit a home occupation beauty shop/nail salon - **SECTION 440.B. HOME OCCUPATION**, located 6317 West 37th Street South.

Presentation:

The applicant, **Mary Alexander**, 6317 West 37th Street, requested permission to operate a nail salon as a home occupation. The applicant informed that she will be the sole operator of the shop and customers will be scheduled by appointment only.

Comments and Questions:

Mr. Alberty asked the applicant if she is familiar with the Home Occupation Guidelines, and she answered in the affirmative.

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 home occupation beauty shop/nail salon - **SECTION 440.B. HOME OCCUPATION**; per Home Occupation Guidelines; subject to customers being scheduled by appointment only; finding the use to be compatible with the area; on the following described property:

East 220.86' of west 441.72' of N/2, N/2, S/2, NW/4, SW/4, Section 20, T-19-N, R-12-E, Tulsa County, Oklahoma.

OTHER BUSINESS

Election of Officers

On **MOTION** of **ALBERTY** the Board voted 3-0-1 (Alberty, Eller, Walker, "aye"; no "nays"; Tyndall, "abstaining"; Looney, "absent") to **ELECT** John Tyndall to the office of chairman for the County Board of Adjustment.

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **ELECT** Ron Looney to the office of vice-chairman for the County Board of Adjustment.

On **MOTION** of **ALBERTY** the Board voted 3-0-1 (Alberty, Tyndall, Walker, "aye"; no "nays"; Eller, "abstaining"; Looney, "absent") to **ELECT** Lee Eller to the office of secretary for the County Board of Adjustment.

There being no further business, the meeting was adjourned at 2:55 p.m.

Date Approved 10/18/94



Chairman