

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 179
Tuesday, April 18, 1995, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

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

The notice and agenda of said meeting were posted in the Office of the County Clerk on Monday, April 17, 1995, at 11:33 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **ELLER**, the Board voted 3-0-0 (Alberty, Eller, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, Walker, "absent") to **APPROVE** the **Minutes** of March 21, 1995 (No. 178).

NEW APPLICATIONS

Case No. 1336

Action Requested:

Variance of the required 30' of frontage on a public road to permit the subdivision of a 10-acre tract into 3 tracts - **SECTION 207. - STREET FRONTAGE REQUIRED** - Use Unit 6, located east of the southeast corner North Yale and 86th Street North.

Presentation:

The applicant, **Ronnie Chaloupek**, 6443 North 137th East Avenue, Owasso, Oklahoma, was not present.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **CONTINUE** Case No. 1336 to May 16, 1995.

Case No. 1337

Action Requested:

Special Exception to permit an existing auto repair shop in a CS District (CS approved by County Commission 2/27/95) - **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 7035-7037 North Peoria.

Presentation:

The applicant, **F. L. McCollam**, 18935 North Harvard, Skiatook, Oklahoma, was represented by **Brent Skalnik**, 1316-B West 4th Street, Skiatook, Oklahoma, who informed that his client has owned the subject tract since 1977. He stated that, although the building has been rented for automobile body repair for many years, it was recently determined that the use was not permitted at this location under the current zoning. Mr. Skalnik advised that a CS zoning application has been approved, and requested that the repair shop be permitted to continue operation in the CS (pending) zoned district. He noted that IL zoned property is located directly across the street from the subject tract.

Comments and Questions:

Mr. Alberty asked Mr. Skalnik if his client is aware that the use would require solid screening on the east and south boundaries, and he replied that he will comply with all Board requirements.

Mr. Looney asked if all work is done inside the building, and Mr. McCollam informed that all work is completed inside, but repair parts are stored outside.

In reply to Mr. Alberty, Mr. Jones advised that the Code requires that merchandise offered for sale be 300' from a residential district.

In response to Mr. Looney, Mr. Skalnik advised that all outside storage is behind the building. He added that there is not a house on the residential property to the east of the subject tract.

Mr. Jones noted that, if approved, platting or a plat waiver will be required.

Protestants:

Jeff Kirkham, 1727 East 73rd Street North, informed that there are numerous illegal uses in the area and the Zoning Code is loosely enforced.

Mr. Tyndall asked Mr. Kirkham if he is opposed to the application, and he replied that he is opposed to the proposed use, because this type of operation adds to the junk in the area.

Case No. 1337 (continued)

Applicant's Rebuttal:

Mr. Skalnik informed that the building blocks the view to the rear of the lot, and his client is not opposed to the installation of a screening fence on the boundary abutting the residential district. He pointed out that it is not Mr. McCollam's intent to operate a salvage business on the subject property, but he merely intends to continue the business that has been operating at this location for many years.

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 an existing auto repair shop in a CS District (CS approved by County Commission 2/27/95) - **SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to a solid screening fence being installed along the east and south boundaries; subject to all outside storage being screened and out of view from the street or adjacent properties; subject to all repairs being conducted inside the building; subject to compliance with all platting requirements; finding that the business has been operating at the current location for many years; and finding that IL zoning is located across the street and similar business are operating in the general area; on the following described property:

Lot 7, Block 9, Golden Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 1338

Action Requested:

Special Exception to permit a mobile home in an RS District - **SECTION 440. SPECIAL EXCEPTION USES IN A RESIDENTIAL DISTRICT** - Use Unit 6, located east of the NE/c of 75th Street North and North Trenton.

Presentation:

The applicant, **Shirley Noles-Eichenberger**, 7527 North Trenton, submitted a location map (Exhibit A-1) and informed that she owns two acres of land at the above stated location. She requested permission to install a new mobile home on the portion of land next to the existing dwelling.

Comments and Questions:

In reply to Mr. Alberty, the applicant stated that a friend that assists her in her business will live in the mobile home.

In response to Mr. Alberty, the applicant stated that there will be only two dwellings on the six lots. She noted that there are numerous mobile homes in the neighborhood. Photographs (Exhibit A-2) were submitted.

Case No. 1338 (continued)

Protestants:

Jeff Kirkham, 1727 East 73rd Street North, stated that the installation of a mobile home that will not be used for the residence of the owner or a family member may be used for rental purposes and could be detrimental to the area.

Applicant's Rebuttal:

The applicant assured the Board that her home will be at this location, and pointed out that the property has been refurbished and the lots have been cleaned up. She stated that the lots will be properly maintained in the future.

Additional Comments:

Mr. Alberty stated that there are numerous mobile homes in the area, and the installation of a mobile home will be consistent with the established character of the neighborhood.

Board Action:

On **MOTION** of **ALBERTY** 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 District - **SECTION 440. SPECIAL EXCEPTION USES IN A RESIDENTIAL DISTRICT** - Use Unit 6; subject to a building permit, tie-downs and skirting; 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:

Lot 24, Block 1A, of the subdivision of Block 1, Golden Hill, Tulsa County, Oklahoma.

Case No. 1340

Action Requested:

Variance of the required 200' lot width, variance of the required 2-acre lot area and a variance of the 2.2-acre land area per dwelling unit - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located west of the southwest corner of 86th Street North and North Peoria Avenue.

Presentation:

The applicant, **Deborah K. Holmes**, Route 1, Box 374, Sperry, Oklahoma, submitted a location map (Exhibit B-1) and informed that the double-wide mobile home has been on the one-acre tract for 25 years; however, the lot does not comply with County Code requirements in regard to lot width, land area and the required land area per dwelling unit. She informed that this action is required to clear the title

Case No. 1340 (continued)

Comments and Questions:

Mr. Alberty asked the applicant if she is attempting to mortgage the property, and Ms. Holmes answered in the affirmative.

Mr. Alberty asked Ms. Holmes if she owns only one acre of property at this location, and she replied that she purchased one acre of land.

Mr. Jones inquired as to when the deed to the property was filed, and the applicant stated that it was filed two years ago. He pointed out that the lot would have been a legal lot of record if it had been filed for more than five years and the variances would not be required.

Mr. Alberty asked Ms. Holmes if she is aware that the subject property is located in a regulatory floodway, and she answered in the affirmative.

Mr. Jones noted that any new construction on the property would require additional permits and reviews.

Mr. Alberty informed that the hardship in this case is the fact that the lot was existing prior to the adoption of the Tulsa County Zoning Code.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **Variance** of the required 200' lot width, **variance** of the required 2-acre lot area and a **variance** of the 2.2-acre land area per dwelling unit - **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; subject to Health Department approval; finding that the lot was created prior to the adoption of the County Code and that approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

Beginning at the NW/c, N/2, NE/4, thence east 294.34', thence south 295.98', thence east 147.17', thence north 295.98', thence west 147.17' to the POB, Section 25, T-21-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1341

Action Requested:

Special Exception to permit a monopole antennae 180' high in an AG zoned district, located 12949 South Elwood Avenue.

Presentation:

The applicant, **Tulsa Cellular**, 13801 Wireless Way, Oklahoma City, Oklahoma, was represented by **Roy Johnsen**, 201 West 5th Street. Mr. Johnsen informed that he has concluded that, according to the Zoning Code, the monopole would be permitted by right in an AG District; however, it has been determined by the zoning officer that Board of Adjustment approval would be required. He noted that the area is rural in nature and the nearest residence to the south is 800', to the north 600', with a church being located across the street to the west (approximately 700'). Mr. Johnsen informed that there are no nearby homes to the east. He noted that the two mobile units at the front of the subject tract are included in the lease agreement. Mr. Johnsen stated that the monopole is 180' in height, with no lighting. A plot plan (Exhibit C-1) and photographs (Exhibit C-2) were submitted.

Comments and Questions:

In reply to Mr. Tyndall, Mr. Jones informed that INCOG records do not indicate that the Jenks Board of Adjustment heard the case.

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 monopole antennae 180' high in an AG zoned district; per plan submitted; finding the use to be consistent with the area, and in harmony with the spirit and intent of the Code; on the following described property:

Beginning at the SW/c of the SW/4, Section 1, T-17-N, R-12-E, thence due north 662.02' to the SW/c of the S/2, N/2, SW/4, SW/4; thence N89°48'17"E 556.96'; thence due north 55.35' to the POB; thence due north 75.00', thence due east 75'; thence due south 75'; thence due west 75' to the POB, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 1339

Action Requested:

The applicant, **Artie Soderfelt**, 10010 East 131st St. North, Collinsville, Oklahoma, requests a refund of fees.

Comments and Questions:

Mr. Tyndall asked if the application has been processed, and Mr. Beach replied that the applicant was not in need of the relief requested and the case was not processed.

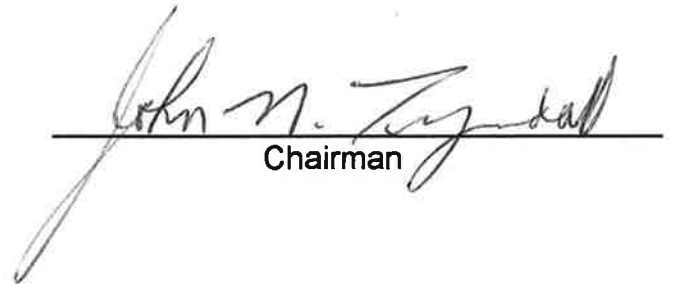
Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to **APPROVE** a **REFUND** of fees in the amount of \$140.00.

There being no further business, the meeting was adjourned at 2:26 p.m.

Date Approved _____

5/16/95



Chairman