

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 248
Tuesday, January 16, 2001, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty
Tyndall
Walker, Chair
Looney
Dillard

Butler
Fernandez

West, Zoning

The notice and agenda of said meeting were posted in the Office of INCOG, 201 W. 5th St., Suite 600, Wednesday, January 10, 2001 at 3:02 p.m., as well as at the City Clerk's office, City Hall.

After declaring a quorum present, Chair Walker called the meeting to order at 1:33 p.m.

MINUTES:

On **MOTION** of **Alberty**, the Board voted 4-0-0 (Alberty, Dillard, Walker, Tyndall "aye"; no "nays", no "abstentions"; Looney, "absent") to **APPROVE** the Minutes of December 19, 2000 (No. 247).

UNFINISHED BUSINESS

Case No. 1797

Action Requested:

Special Exception to permit a single family dwelling in a CS district; Section 710 PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS, located 6841 N. Peoria.

Presentation:

Charles Hennessey, 6841 N. Peoria, stated the case was continued for advertisement of additional relief.

Interested Parties:

There were no interested parties who wished to speak.

Case No. 1797 (continued)

Board Action:

On **Motion** of **Alberty**, the Board voted 4-0-0 (Walker, Alberty, Tyndall, Dillard, "aye"; no "nays"; no "abstentions"; Looney "absent") to **APPROVE** a **Special Exception** to permit a single family dwelling in a CS district, as indicated finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

The N 53' of the N 80' of Lot 7 and the S 27' of the N 80' of Lot 7 and the N 120' of the S 220' of Lot 7, all in Block 10, Golden Hill Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 1798

Action Requested:

Special Exception to an AG zoned district for Use Unit 20, Commercial Recreation – Intensive: Paintball Field. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 20; a Variance to permit 30 paved parking spaces; and an Appeal of Administrative Official's Notice to stop and remove all business activity and related equipment dated October 16, 2000, located 12731 N. 118th E. Ave.

Presentation:

Lawrence Taylor, attorney, 3223 E. 31st St., Ste. 211, stated he represented Paintball Land, Inc. He introduced Jesse and Donna Tow, the principals of Paintball Land, Inc., and Wayne Snodgrass, a neighbor on property adjacent to and across the street from the subject property, in support of the application. Mr. Taylor stated the relief requested and submitted a packet of exhibit photos, and maps (Exhibit A-1). He described the property, including that 90% of the property is in a flood plain, and two to three times per year about half of it is under water. He pointed out that the owner had initially contacted the courthouse to find out about getting a license for a new business. He was told that he needed federal and state tax I.D. numbers and to collect and remit taxes. Mr. Taylor stated that he advised the owner to appeal the citation to make application for a Special Exception, and Mr. Tow takes no issue with the fact that he is in violation of the zoning code. He stated Mr. Tow has been a good corporate citizen, and has not received any complaints before. The business has been a popular field with law enforcement groups from Owasso, Sand Springs, Tulsa, and Collinsville police departments and others for training sessions. The County Assessor comes out every other year to assess the mobile homes for taxation, the Department of Environmental Quality comes regularly to inspect the concession stand, but the owner was not aware that he was in violation of the zoning code. Mr. Taylor informed the Board that the nature of this business is that games are scheduled by reservation only, and there are five play areas, but only two games can be played

at any one time. The maximum number of players at any one time is 80. The average game time is three to four hours. So scheduling is done staggered to avoid overcrowding and therefore there has never been a parking problem. He mentioned that many of the customers come in groups by bus or vans. On the few occasions when there has been overflow parking, a grassy area was used for extra parking.

Comments and Questions:

Mr. Alberty asked about parking space requirements. Mr. Taylor quoted several requirements and noted that none of those criteria really fit this type of business. He added that he just figured by the maximum number of 80 players allowed at a given time and estimated four people per car would equal 20 spaces and added 10 more for overflow. Mr. Alberty verified the business is open seven days per week and 9:00 a.m. to midnight with Mr. Taylor. Mr. Taylor replied in the affirmative.

Jesse Tow, 12731 N. 118th E. Ave., Collinsville, OK, stated that they have discontinued all night games and close one hour before dark. Mr. Tow added that 9:00 a.m. Monday through Saturday and noon on Sundays would be the opening time requested.

Mr. Walker asked about any loud noises, such as loud speakers. Mr. Tow stated that they use an air horn at the start and finish of the games and that is all.

Terry West, County Zoning Inspector, informed the Board that much of the property on the east end is in a floodway not just a flood plain. He stated that no barrels, structures nor anything else may be placed in the floodway. Mr. West added that Tulsa County Flood Plain Resolution and Rules state no encroachment in the floodway, per FIMA and NFIP 60.3D. He pointed out that not even moving dirt is allowed without a hydrologist report that the proposed activity would not raise the base flood elevation upstream or downstream in the whole community. Mr. Alberty commented that the Board does not have any authority to modify the flood plain regulations. Mr. West responded that he wanted the issue addressed that no structures permanent or temporary were permitted in the floodway area per flood insurance rate maps, just so the applicant would be aware.

Interested Parties:

Jack English, P.O. Box 421, Collinsville, OK, stated his property is adjacent to the subject property. He had not expressed any objection before, but since he received the notice, he decided that he would speak up. He objects to unsightly huts and barrels that he can see from his property. He stated that he has put in a lot of work to clean up his property and he would prefer that the game structures were placed on the other side of the creek and out of site from his property. He indicated that they have moved dirt and caused some flooding of the creek in the past, but has since removed it.

Case No. 1798

Comments and Questions:

Mr. Walker asked Mr. English to show the location of his property on the map. It was not clear to the Board, after examining the map, where the floodway boundary line was located. Mr. Walker also asked for more information about the structures and any items that were placed on the property for the games. Mr. Tow listed barrels, portions of fence, old PSO spools, and old postal service skids. Mr. Alberty commented that if the majority of the business is in the floodway, that may put Mr. Tow out of business, and there may not be anything for the Board to decide.

Applicant's Rebuttal:

Mr. Taylor asked the Board to consider that screening might be appropriate for dealing with Mr. English's complaints, if his property is zoned residential. He also asked that the Board not anticipate what the County will decide about the floodway in making their decisions.

Board Action:

On **MOTION** of **Alberty**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 1798 to the hearing on February 21, 2001 to allow the County Inspector time to determine how much of the subject property is out of the floodway.

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Case No. 1802

Action Requested:

Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6; and a Variance to lot area of two acres and land area of 2.2 acres per dwelling unit, located N of NE/c E. 86th St. N. & Harvard.

Presentation:

Ms. Fernandez reminded the Board that this case was continued from the December 19th hearing so that the applicant could check on the status of an oil well on the property. The applicant was not present. Chair Walker tabled this case until the end of the agenda.

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NEW APPLICATIONS

Case No. 1806

Action Requested:

Minor Variance of front yard setback from 50' to 48' to permit an existing dwelling in an RS district. SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS – Use Unit 6, located 742 W. Walnut.

Presentation:

Brent Litsey, 742 N. Walnut Creek Dr., Sand Springs, OK, described the positioning of his home on two lots of record.

Comments and Questions:

Mr. Walker asked the applicant why he bought both lots. Mr. Litsey replied that both lots went with the sale. Mr. Dillard suggested it would be wise to have a survey done before buying property in the future. Mr. Litsey stated that he owns both lots and the home outright now and has brought the house up to code.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Looney**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney “aye”; no “nays”; no “abstentions”; no “absences”) to **APPROVE** a **Minor Variance** of front yard setback from 50' to 48' to permit an existing dwelling in an RS district, finding the house has existed there for forty years, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

A tract of land situated in the Charles Page Home Acres Subdivision Number 1, an addition to the City of Sand Springs, and in the NW/4 NE/4 of Section 9, T-19-N, R-11-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Beg. at the SE/c of Lot 6, Block 7, of said Charles Page Home Acres Subdivision Number 1, thence N 89°32'22" W along the S line of said Lot 6 a distance of 82.06'; thence N 33°57'24" E a distance of 33.01'; thence N 62°10'18" E a distance of 19.42' to a point on the E line of said Lot 6 and a point of curvature; thence continuing along the E line of said Lot 6 and along a curve to the left (tangent bears S 19°21'44" E), said curve having a radius of 164.61' and a central angle of 6°40'31", for an arc distance of 19.18'; thence continuing along said E line of Lot 6 S 52°27'22" E a distance of 40.30' to the SE/c of said Lot 6 and the POB.

Case No. 1807

Action Requested:

Special Exception to permit Use Unit 19, massage therapy, in an IM district. SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19, located 3232 N. Mingo Rd.

Presentation:

Jay McCabe, 1516 S. Gary Ave., stated that the structure on the subject property is an old fabrication housing building. The rear portion is being used by a paintball business and the front portion was used for offices but has been vacant for two years. He proposes to use the vacant office area for the new business.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney “aye”; no “nays”; no “abstentions”; no “absences”) to **APPROVE** a **Special Exception** to permit Use Unit 19, massage therapy, in an IM district, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 6: A tract of land in Section 24, T-20-N, R-13-E, Tulsa County, State of Oklahoma, described as follows: Starting at the NE/c of said Section 24; thence Sly along the E line thereof a distance of 2220'; thence S 89°58'54" W a distance of 150' to a point which is the POB of said tract; thence S 89°58'54" W a distance of 255'; thence N 00°01'06" W a distance of 380'; thence N 89°58'54" E a distance of 255'; thence S 00°01'06" E a distance of 380' to the POB; and Lot 5: A tract of land in Section 24, T-20-N, R-13-E, Tulsa County, State of Oklahoma, described as follows: Starting at the NE/c of said Section 24; thence Sly along the E line thereof a distance of 2220'; thence S 89°58'54" W a distance of 405' to a point which is the POB of said tract; thence S 89°58'54" W a distance of 255'; thence N 00°01'06" W a distance of 380'; thence N 89°58'54" E a distance of 255'; thence S 00°01'06" E a distance of 380' to the POB.

Case No. 1809

Action Requested:

Special Exception to allow a mobile home in an RE district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 6 & 9; and a Variance to allow two dwelling units per lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 8801 E. 98th St. N.

Case No. 1809 (continued)

Presentation:

Roy Stane, 8503 E. 98th St. N., submitted photographs (Exhibit B-1) and stated he would like to replace an old existing trailer in very poor condition with a new mobile home that would be wheelchair accessible. He stated that the old trailer has many safety hazards.

Comments and Questions:

Mr. Alberty explained that the existing trailer was there in a non-conforming use, and he's asking to replace it.

Interested Parties:

Cathy Hutchison, 8402 N. 100th E. Ave., Owasso, OK, stated she was there in support of the application. She stated she was the Vice-President of Precision Components, a small manufacturing firm in Owasso, and she is the President of Volunteer Network, Owasso. She informed the Board that the company met and began helping the family through Volunteer Network two years ago. She described the poor conditions of the trailer, and they desire to help the family purchase something in better condition, but wanted the property to be in compliance with the Code first.

Board Action:

On **MOTION** of **Alberty**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a mobile home in an RE district with conditions to use tie-downs, skirting and obtain DEQ approval for sanitary system; and a **Variance** to allow two dwelling units per lot of record, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 1, Block 4, Hill N Dale Acres, Tulsa County, State of Oklahoma.

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Case No. 1810

Action Requested:

Special Exception to allow church and related uses in an IL zoned district and approval of previously approved site plan per amendments on AG tract. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT and SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 5, located NW/c W. 181st St. S. & US-75.

Presentation:

David Washington, 1660 E. 71st St., stated that the applicant is actually True Life Tabernacle, Inc. He introduced Pastor Robert Griffin and Charles Martin. He

Case No. 1810 (continued)

stated that they are seeking a permit to construct a gymnasium on a part of the property that is already platted.

Comments and Questions:

Mr. Walker asked if the existing structure faces the highway. Mr. Washington replied in the affirmative. Mr. Walker noted that there is parking to the south, and Mr. Washington added there is also parking to the north. Mr. Walker asked if they access from the road to the south. He responded that was correct. He asked Mr. Washington where the gym would be located. He replied it would be to the west. Mr. Alberty asked if the Board had previously approved the use and it must come back for site plan changes.

Board Action:

On **MOTION** of **Alberty**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney “aye”; no “nays”; no “abstentions”; no “absences”) to **APPROVE** a **Special Exception** to allow church and related uses in an IL zoned district and approval of previously approved site plan per amendments on AG tract, and including approval for future construction, per plans submitted, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 1, Block 1, True Life Tabernacle, SE/4 SW/4 SE/4 AND N/2 E/2 SW/4 SE/4 of Section 34, T-17-N, R-12-E, Tulsa County, State of Oklahoma.

Case No. 1811

Action Requested:

Variance of required 200' lot width in an AG district to 164' to permit a lot split. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6; and a Variance of land area from 2.2 acres to 2 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 11801 N. 113th E. Ave.

Presentation:

Pat Graham, stated she works for Homes Unlimited, in Owasso, and represented the owners of the subject property. She stated they listed the property and sold the surrounding property of about 35 acres.

John Fuller, 11801 N. 113th E. Ave., pointed out the property on a map to the Board.

Interested Parties:

There were no interested parties who wished to speak.

Case No. 1811 (continued)

Board Action:

On **MOTION** of **Alberty**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required 200' lot width in an AG district to 164' to permit a lot split; and a **Variance** of land area from 2.2 acres to 2 acres, finding this appropriate for future development of subdivisions, on the following described property:

Beg. at the NW/c of the SW/4 SW/4 Section 5, T-21-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, said point being 1315.45' due N, on an assumed bearing, from the SW/c of said Section 5; thence N 89°51'51" E along the N line of the S/2 SW/4 a distance of 530'; thence due S a distance of 164.51'; thence S 89°52'56" W a distance of 530' to a point on the W line of said SW/4 SW/4; thence due N a distance of 164.43' to the POB.

Case No. 1802

Presentation:

Terry West, Tulsa County Zoning Inspector, informed the Board that Mr. Woods obtained a different tract of land, and he received a building permit for that property.

Board Action:

On **MOTION** of **Alberty**, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to accept the withdrawal of this case.

Election of Officers

The Board elected: Mr. Alberty for Chairman, Mr. Dillard for Vice-Chairman, and Mr. Tyndall for Secretary.

There being no further business, the meeting was adjourned at 2:50 p.m.

Date approved: 2/21/01
Wayne Alberty
Chair

