

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 258
Tuesday, November 20, 2001, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair
Tyndall
Walker
Hutson
Dillard, Vice Chair

Butler
Fernandez

West, Co. Inspect.

The notice and agenda of said meeting were posted in the Office of INCOG, 201 W. 5th St., Suite 600, Friday, November 16, 2001 at 8:25 a.m., as well as at the City Clerk's office, City Hall.

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

MINUTES:

On **MOTION** of **Walker**, the Board voted 5-0-0 (Alberty, Dillard, Walker, Tyndall, Hutson "aye"; no "nays", no "abstentions"; no "absences") to **APPROVE** the Minutes of October 16, 2001 (No. 257).

UNFINISHED BUSINESS

Case No. 1904

Action Requested:

Variance of minimum average lot width to permit a lot split from 200' to 165'.
SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS -- Use Unit 6, located 4446 S. 162nd W. Ave.

Presentation:

This case was continued from the September and October meetings. Mrs. Fernandez stated that the applicant has sold the property and did not contact INCOG staff regarding the application. Staff recommends denial of this case.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of minimum average lot width to permit a lot split from 200' to 165', on the following described property:

Pt. of the SE/4 NE/4 of Section 30, T-19-N, R-11-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: Beg. at a point 2,640' N and 1,339' W of the SE/c of Section 30, T-19-N, R-11-E, thence N 330'; thence E 654'; thence S 330'; thence W 654' to the POB.

Case No. 1919

Action Requested:

Special Exception to construct a 250' monopole cellular transmission tower on property zoned AG. SECTION 1204.C.3.2. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES – Use Unit 4, located Tulsa State Fairgrounds/Expo Square.

Presentation:

Mrs. Fernandez presented the application and request for continuance, and the applicant was not present.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 1919 to the meeting on December 18, 2001.

NEW APPLICATIONS

Case No. 1911

Action Requested:

Special Exception to allow mobile home in RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located 901 W. 6th St.

Presentation:

Mrs. Fernandez informed the Board that the Sand Springs Board of Adjustment sent a letter of support for this application.

Theresa Wooten, 10943 W. 71st St. S., Sapulpa, Oklahoma, stated she would like to put a mobile home on the subject property.

Comments and Questions:

Mr. Alberty asked if there was anything else located on the property. Ms. Wooten replied there is a small shed. She added that a percolation test was done and a septic tank was placed on the property. Mr. Alberty asked about other mobile homes. She responded there are several other mobiles on Valley Drive, and some are family members.

Interested Parties:

Rachel Roland, 600 N. Valley Dr., expressed her concerns regarding runoff water onto her property since they put in landfill on the subject property. She stated that the water has also moved sand onto her fence. She was concerned that the owner has not mowed the street front since the landfill.

Comments and Questions:

Mr. Alberty asked if she had any concerns with the proposed mobile home. Ms. Roland stated that she does not have any objection to an owner occupancy as long as it does not negatively impact her own property and that they maintain the property.

Applicant's Rebuttal:

Ms. Wooten acknowledged that the land had to be leveled out to place their home. She assured the Board that the property would be maintained.

Board Action:

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow mobile home in RS zoned district, with conditions for DEQ approval, tie-downs, skirting, building permit, and approval of development engineer for correction of drainage, finding 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 C, Block 15, Charles Page Home Acres, No. 2, a Subdivision in Tulsa County, State of Oklahoma, according to the recorded replat and resubdivision plat thereof; and replat and resubdivision of the S/2 (S 50') of Lot 12, Block 15 of Charles Page Home Acres No. 2 Subdivision.

Case No. 1913

Action Requested:

Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD; and a Special Exception to allow two manufactured homes in a RS district. SECTION 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 9, located 5906 S. 68th W. Ave.

Presentation:

Eva Woods, 4607 S. 81st W. Ave., stated they purchased the land with a mobile home existing on it. They were unaware there was no permit for the mobile. When they moved the second mobile home onto the property they discovered they needed permits for both homes. She submitted photographs (Exhibit A-1) to the Board. Ms. Woods stated they plan to pay off the land and first mobile home, then build a home and remove the mobiles.

Comments and Questions:

Mr. Alberty asked if these are rental properties. Ms. Woods replied that they are. He asked if the surrounding mobile homes are on similar size lots. She replied that the other lots are smaller. Mr. Hutson asked about the temporary time for the mobiles to be on the property. Ms. Woods stated they plan to pay off \$11,000, and then build and remove the mobiles.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Hutson**, the Board voted 5-0-0 (Alberty, Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to allow two dwelling units on one 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 Comprehensive Plan; and a **Special Exception** to allow two manufactured homes in a RS district, as submitted, with conditions for DEQ approval, tie-downs, skirting, and building permit, on the following described property:

Lots 1 - 5 and N 18.75' of Lot 6, Block 52, Taneha Addition, Tulsa County, State of Oklahoma.

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Case No. 1914

Action Requested:

Special Exception for a Bed and Breakfast establishment in an existing residential dwelling located in an AG district. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2, located 17482 S. 145th E. Ave.

Presentation:

Lee Belmonte, 17505 S. 145th E. Ave., Bixby, Oklahoma, stated he lives across the road from the subject property. He submitted photographs (Exhibit B-1) to the Board. He proposes to rent the whole house to one party at a time for up to ten nights per month. He specified that they do not plan to rent out by the room.

Comments and Questions:

Mr. Alberty verified that they intend to rent for short-term stays versus long-term as a rent house. He went over the six zoning code conditions for a bed and breakfast with the applicant. Mr. Belmonte pointed out that the limit of guest rooms did not apply, and they do not plan to do special events.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Hutson**, the Board voted 5-0-0 (Alberty, Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** for a Bed and Breakfast establishment in an existing residential dwelling located in an AG district, per zoning code and as presented, finding 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 property described as follows:

A one and one-half acre tract of land in the SE/4 NE/4 of Section 33, T-17-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, composed of the two following tracts: a) A one acre tract of land in the SE/4 NE/4 of Section 33, T-17-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma, lying immediately W of the E 105.00' of said NE/4, more particularly described as: From a 4" Brass Disk at the NE/c of said Section 33, go S 0°57'08" E along the E Section line of Section 33 a distance of 1780.16' to a PK Nail and 2" Washer, thence S 81°46'29" W a distance of 105.00' to the POB, thence S 0°57'08" E a distance of 208.71', thence S 81°46'29" W a distance of 208.71', thence N 0°57'08" W a distance of 208.71', thence N 81°46'29" E a distance of 208.71' to the POB containing 1.00 acre. This tract is restricted from being transferred or conveyed as above described without including the following described tract (b. below) unless the Tulsa Metropolitan Planning Commission, or its successors, according to law, approves such a conveyance or transfer. b) From a 6.36 tract being the E 105.00' of the NE/4 of Section 33, T-17-N, R-14-E, remove the following one-half acre tract and annex it to tract a. above: A one-half acre tract of land in the SE/4 NE/4 of Section 33, T-17-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as: From a 4" Brass Disk at the NE/c of said Section 33, go S 0°57'08" E along the East Section line of Section 33 a distance of 1780.16' to a PK Nail and 2" washer, the POB, thence S 0°57'08" E a

Case No. 1916

Action Requested:

Variance of the allowable size for an accessory building in an RS zoned district from 750 sq. ft. to 960 sq. ft. SECTION 240.2.E. YARDS, Permitted Yard Obstructions – Use Unit 6, located 608 Loop Dr.

Presentation:

Ms. Fernandez informed the Board that the property is within the Sand Springs fence line, and a letter (Exhibit C-1) was before the Board from the Sand Springs Board of Adjustment in support of the application.

Virgil Boyer, 608 Loop Dr., Sand Springs, Oklahoma, stated he plans to build a metal building with cement floor for restoring old automobiles. He informed the Board there are numerous metal buildings in the neighborhood even larger than the proposed building. He submitted photographs (Exhibit C-2) to the Board.

Comments and Questions:

Mr. Tyndall asked if he would be doing car repairs or strictly restoring. Mr. Boyer replied that he has autos in several places and he wants to bring them to one place.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the allowable size for an accessory building in an RS zoned district from 750 sq. ft. to 960 sq. ft., finding there are several other similar buildings in the area, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lot 1, Block 4, Valley View Estates, Tulsa County, State of Oklahoma.

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Case No. 1917

Action Requested:

Variance of lot width from 200' to 165' for lot-split L-19313 (Tract A). SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6; a Variance of lot area from 2 acres to 1.47 acres (Tract B). SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of land area from 2.2 acres to 1.95 acres if roadway dedication is required on 171st Street and Yale Avenue (Tract B). SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; OR in the

alternative a Variance of Section 208 to allow 2 dwellings on 1 lot. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 4705 E. 171st St.

Presentation:

Mrs. Fernandez stated this case went before the planning commission for a determination for right-of-way dedication.

Leonard Crockett, 17096 S. Yale, stated he bought five acres to split and give to his two children. He stated the planning commission approved the lot-split and we agreed to the requirements, including the right-of-way dedication.

Comments and Questions:

Mr. Alberty questioned him about dedicating the right-of-way, and Mr. Crockett stated they didn't have a choice, and agreed to do so.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of lot width from 200' to 165' for lot-split L-19313 (Tract A); a **Variance** of lot area from 2 acres to 1.47 acres (Tract B); a **Variance** of land area from 2.2 acres to 1.95 acres if roadway dedication is required on 171st Street and Yale Avenue (Tract B), subject to easement by right-of-way dedication, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Tract A: the E/2 E/2 SW/4 SE/4 SE/4 of Section 28, T-17-N, R-13-E, of the IBM, containing 2.5 acres more or less; Tract B: the S/2 S/2 SE/4 SE/4 SE/4 of Section 28, T-17-N, R-13-E, of the IBM, containing 2.5 acres more or less, all in Tulsa County, State of Oklahoma.

Case No. 1918

Action Requested:

Special Exception to construct a 199' self-supporting four-sided structure, in an AG zoned district. SECTION 1204.3. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions – Use Unit 4; and a Special Exception of the required 110% setback from an AG zoned district to 0'. SECTION 1204.3.C.7. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions, located N & W of NW/c E. 66th St. & N. Peoria.

Presentation:

Denny Redmon, 1535 S. Memorial, Ste. 119, submitted a packet of information (Exhibit D-1) to the Board. He informed the Board that it is not a cellular tower but a Doppler radar tower for Clear Channel Television in Tulsa. The tower is a 199', four-sided, lattice, self-supporting tower on AG zoned property. He stated they have the required 110% setbacks, and was not sure why the special exception for setback to 0% was included in the application. Mr. Alberty verified the setbacks of 220' from E. 71st St. N. and 220' from N. Oakcliff Dr., and does not need a special exception. He stated they are not in the flood plain. The above ground height of the tower is 182'. He had pictures of the surrounding property, which is vacant AG zoned land of flat topography, and covered with trees and other vegetation. The access would be from Oak Cliff Drive. The site would be 100' x 120' on ten acres. Utility building would be according to submittal. Chain-link fence and three strands of barbed wire on top would surround the facility. There would be a seventeen-foot radar dome on top. No lighting will be required. This tower is essential for recording studio and a weather and storm-monitoring center. The tower is designed for collocation by other entities for paging, digital television, two-way radios, wireless internet, cellular and PCS.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Hutson**, the Board voted 5-0-0 (Alberty, Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to construct a 199' self-supporting four-sided structure, in an AG zoned district, on condition of responses to the factors as listed in the presentation, finding 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:

Parent Tract: The SW/4 SW/4 NW/4 of Section 36, T-21-N, R-12-E, containing 10.00 acres, more or less; Lease Parcel: A tract of land located in the SW/4 SW/4 NW/4 of Section 36, T-21-N, R-12-E, more particularly described by metes and bounds as follows: Commencing at the SW/c of the SW/4 SW/4 NW/4 of said Section 36; thence N 00°59'07" W along the W line thereof a distance of 220.00'; thence N 89°00'53" E a distance of 160.00' to the POB; thence N 00°59'07" W a distance of 50.00'; thence N 89°00'53" E a distance of 120.00'; thence S 00°59'07" E a distance of 100.00'; thence S 89°00'53" W a distance of 120.00'; thence N 00°59'07" a distance of 50.00' to the POB, all in Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 2:30 p.m.

Date approved: 12/18/01

Wayne Alberty
Chair