

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 272
Tuesday, January 21, 2003, 1:30 p.m.
Aaronson Auditorium
Tulsa Central Library
400 Civic Center

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair	Hutson	Butler	West, Co. Inspector
Dillard, Vice Chair		Beach	
Walker			
Tyndall			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, January 15, 2003 at 3:22 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:30 p.m. in the County Commission Room 119, County Administration Building. The meeting was then recessed at 1:31 p.m. and the Chair announced they would reconvene the meeting in the Aaronson Auditorium, Tulsa Central Library.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:34 p.m. in the Aaronson Auditorium. The Chair read the Rules and Procedures for the County Board of Adjustment hearing.

MINUTES

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** the Minutes of December 17, 2002 (No. 271).

Case No. 2016

Action Requested:

Variance of the maximum size allowed for a detached accessory building from 750 square feet to 1500 square feet. SECTION 240.2.E. YARDS, Permitted Yard Obstructions – Use Unit 6, located NW/c 41st W. Ave. & W. 41st St.

Presentation:

Carl Hopkins, 4105 E. 21st St., stated he wants to construct a pole barn to replace a dilapidated old barn. He did not realize he needed a permit. He plans to put hay in it for his horses. He added he has a couple of classic cars he would like to put in the barn also. He submitted photographs (Exhibit A-1) of the property. He stated he is in the process of cleaning up the property and would like to finish the barn he started. He added that no electricity would be hooked up to the barn.

Comments and Questions:

Mr. Alberty noting it would be larger than permitted under the code, if any business or industrial enterprise would be conducted there. Mr. Hopkins replied there would not be any business activities there. Mr. Alberty asked about the inventory of classic cars. Mr. Hopkins replied there would be three to four cars maximum.

Interested Parties:

Otis M. Baker, 4315 W. 41st, stated he is opposed to the application. He informed the Board there are 12 to 15 automobiles on the property, some are inoperable and have been there for several months. He felt that if they have not moved the automobiles since the inspector dealt with the applicant about cleaning up the property, then he probably won't do it voluntarily after he gets the variance.

C.L. Taylor, 4112 S. 41st W. Ave., stated he opposed the application. He stated one pick up truck has been in the driveway for at least ten years, and numerous junk cars. He submitted photographs of the subject property (Exhibit A-3).

Doug Scott, 4305 S. 43rd W. Ave., complained of multiple inoperable automobiles on property for several years. He added that it appears someone is living in a travel trailer on the property. He questioned why the building needs to be so large if there are only three or four cars.

Dean Ledbetter, 4243 S. 43rd W. Ave., stated his opposition because the property looks like a salvage yard.

Peggy Barnes, 4102 S. 43rd W. Ave., stated that in the few decades she has not seen any improvement on the property.

Joan (Inaudible), 4111 S. Quaker W. Ave., stated her opposition, indicating the subject property depreciates surrounding property.

Eric Sanchez, 3991 W. 41st St., submitted photographs (Exhibit A-2). He described the existing structures as poorly maintained, citing no paint, rotting wood surfaces, shredded black plastic used for a privacy fence. He questioned the sewage system, and the source of electricity.

Randi Miller, Tulsa County Commissioner, 6924 S. 32nd W. Ave., stated the building would be twice the maximum size permitted. The area is in transition as the residents are improving their properties.

Comments and Questions:

Mr. Alberty asked Terry West if a cease and desist order was issued. Mr. West stated he told the applicant he would wait until after the hearing today since Mr. Hopkins said he would put six or seven of the cars in the new building.

Applicant's Rebuttal:

Mr. Hopkins reassured the Board that he is trying to improve the property.

Comments and Questions:

Mr. Alberty acknowledged the applicant's intentions to improve his property. He asked what kind of sewage system he has. Mr. Hopkins replied he has a septic. Mr. Alberty asked the source of his electricity. Mr. Hopkins replied he has PSO service. Mr. Alberty asked how long it would take the applicant to remove all of the inoperable vehicles. Mr. Hopkins responded it would take 30 to 60 days with good weather. Mr. Walker asked about person living in the trailer. Mr. Hopkins replied it is a family friend is living there on a temporary basis. Mr. Walker also asked if the old barn and sheds were to be removed. Mr. Hopkins stated that the sheds are already removed and the old barn will be removed after the new one is built.

The Chair recognized an interested party. Ms. Peggy Barnes, 4102 S 43rd W. Ave., questioned if the property is zoned AG. Mr. Alberty replied it is zoned residential.

Mr. Alberty noted there were numerous interested parties present that did not wish to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson "absent") to **CONTINUE** Case No. 2016 to the meeting on March 18, 2003, with condition to remove inoperable vehicles and come into compliance in 60 days, and inform the Board of the building materials at the next hearing, on the following described property:

Beg. 35.00' N and 25.00' W SE/c SE SW, thence N 400.00' W 167.60' S 400.00' E 167.60', POB, Tulsa County, State of Oklahoma.

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Case No. 2017

Action Requested:

Variance to permit an accessory structure as a principal use. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 6, located 12705 E. 106th St. N.

Presentation:

Ron Detherow, 10811 E. 109th Pl., Owasso, Oklahoma, stated he is a real estate broker representing Bob and Carol Zumwalt and Mike and Marty Christenberry. They have confirmed availability of a water tap with Rural Water District #3, and hook ups with PSO, and ONG. There is an existing 10' X 30' horse barn. They request this be allowed on a temporary basis until the new buyer builds a home within the next forty-eight months.

Interested Parties:

Bill Johnson, 15604 E. 94th St. N., Owasso, Oklahoma, stated he owns property across the street from the subject property. He came to find out more about the application. He stated he would be in objection to a lot split, as it would be the first in the neighborhood. He added that some septic systems in the area do not work well.

Applicant's Rebuttal:

Mr. Detherow responded that the soil percolation test on the subject property was satisfactory. He pointed out that the lot split would not affect the 106th Street side except to give them more right-of-way for future widening of the road. He noted that on 107th Street there are numerous one acre lots for sale.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Variance** to permit an accessory structure as a principal use, with condition that construction commence in the next thirty-six months, per plan, finding the size of the tract and the temporary basis, on the following described property:

E/2 SW SE SE, Tulsa County, State of Oklahoma.

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Case No. 2019

Action Requested:

Special Exception to allow a tank farm, petroleum (gasoline) facility in an IM district. SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 27, located SE/c 33rd W. Ave. & W. 21st St.

Presentation:

Bryan Young, One Williams Center MD 27-4, stated he is the supervisor of real estate for the Williams Company. They propose to purchase the property and place a new fuel tank near other tanks, and possibly one more at a later date.

Comments and Questions:

Mr. Alberty confirmed with Mr. Young that they are continuing the same business, and nothing different.

Interested Parties:

Mike Coulter, with NAI Commercial Properties, stated they are in support of the application.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson "absent" to **APPROVE** a **Special Exception** to allow a tank farm, petroleum (gasoline) facility in an IM district, 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:

The N 720.00' of the W 528.00' of the NE/4 NW/4 of Section 15, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma.

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Case No. 2020

Action Requested:

Variance of the required 30' street frontage to 0' to place a mobile home on the property. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 9, located 3595 S. 220th W. Ave.

Presentation:

Jerry Griffith, 3808 S. 222nd, stated he accesses his property from a right-of-way on the west.

Comments and Questions:

Mr. Alberty asked if there is a recorded roadway easement. Mr. Griffith replied in the affirmative. Mr. Griffith submitted a document to show a legal easement (Exhibit B-1). Mr. Alberty noted some discrepancies in the site plan provided with the application regarding the location of the well, proposed septic and the site for the home.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Dillard "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** a **Variance** of the required 30' street frontage to 0' to place a mobile home on the property, per the legal description provided and finding he has a 30' roadway to the frontage, on the following described property:

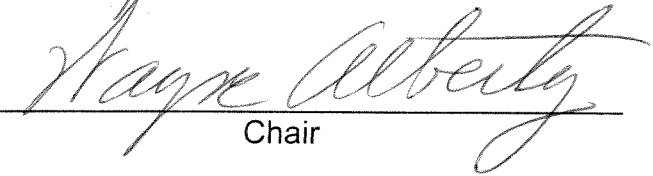
S/3 E/2 SE NW & S/3 E/2 W/2 SE NW Section 22, T-19-N, R-10-E, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 2:35 p.m.

Date approved: _____

2/18/03



Chair